IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTIETH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 22150 of 2004

Between:

Moota Satyanarayana, S/o Danaiah,
Nagnoor, R/o Nagnoor, Karimnagar District.

..... PETITIONER

AND

1 The Government of Andhra Pradesh, rep. by its Principal Secretary,
P.R & R.D. Dept, Secretariat, Hyderabad.
2 The District Collector (PW), Karimnagar,Karimnagar District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus, declaring the action of the 1st respondent in ratifying the impugned Proceedings No. A6/1333/03/Pts, of the 1st respondent dated 19-3-2004 and issued the impugned G.O.Rt.No. 1660 dated 27-10-2004 in directing the 1st respondent to take action to remove the petitioner from the Sarpanch post is highly illegal, arbitrary, discriminatory and violative of principles of natural justice and the same is liable to be set aside and consequently declare that the petitioner is entitled to be continued as Sarpanch of Nagunoor Gram Panchayat of Karimnagar Mandal by taking into consideration of the M.B. Records and the bills submitted by the petitioner to the District Panchayat Officer.

Counsel for the Petitioner: MR.K.SATYANARYANA MURTHY

Counsel for the Respondents: GP FOR PANCHAYAT RAJ & RURAL DEV.

The Court made the following:

THE HON'BLE MS. JUSTICE G.ROHINI

WRIT PETITION NO.22150 OF 2004

ORAL ORDER :

The petitioner is the Sarpanch of Nagnoor Gram Panchayat of Karimnagar district. By order dated 19-03-2004, he was suspended by the District Collector (PW), Karimnagar District under Section 249(6) of the A.P. Panchayat Raj Act, 1994 for the alleged misappropriation of Gram Panchayat funds. Aggrieved by the said order, the petitioner preferred a Revision Petition before the first respondent – Government of A.P. Though pending the Appeal, the order of suspension dated 19-03-2004 was kept in abeyance, ultimately by order dated 27-10-2004 the first respondent dismissed the Appeal confirming the order of suspension dated 19-03-2004. Aggrieved by the same, this writ petition is filed.

Heard the learned Counsel for the petitioner and perused the material on record.

It has been primarily contended by the learned Counsel for the petitioner that the impugned proceedings under which the order of suspension was merely confirmed without assigning any reasons is arbitrary and illegal and vitiated by non-application of mind.

On a perusal of the impugned proceedings, dated 27-10-2004, I find force in the contention of the learned Counsel for the petitioner. Apparently, the first respondent failed to assign any reasons while confirming the order of the second respondent – District Collector. Such an order by the appellate authority while disposing of the Statutory Appeal cannot be sustained.

The law is well settled that the absence of reasons is one of the grounds for judicial review, since the failure of the appellate authority to assign reasons would result in violation of the principles of natural justice.

In the circumstances, the impugned order is liable to be set aside on that ground alone.

Accordingly, the impugned order is set aside and the Writ Petition is disposed of with a direction to the first respondent to consider the Appeal filed by the petitioner with due notice to the petitioner and to pass appropriate orders afresh in accordance with law. No costs.

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20-01-2005

Note:- CC by Monday.

(B/O)

ghn

To

1 The Government of Andhra Pradesh, rep. by its Principal Secretary,
P.R & R.D. Dept, Secretariat, Hyderabad.

2 The District Collector (PW), Karimnagar, Karimnagar District.

3 Two CCs to the Government Pleader for Panchayat Raj & Rural Development,
High Court Buildings, Hyderabad. (O.U.T.)

4 Two CD copies.